

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

EDUARDO HOLGUIN, §
§
Plaintiff, §
§
v. § Cause No. 21-67
§
YSLETA DEL SUR PUEBLO, TIGUA §
TRIBAL POLICE DEPARTMENT, §
ERIKA AVILA, RAUL CANDELARIA, §
and OFFICERS JOHN AND JANE DOE, §
§
Defendants. §

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Ysleta del Sur Pueblo, Tigua Tribal Police Department, Erika Avila, Raul Candelaria, and Officers John and Jane Doe (collectively “Defendants”) hereby give notice of the removal of this action from the County Court at Law Number Six of El Paso County, Texas, to the United States District Court for the Western District of Texas, El Paso Division. By removing this case, Defendants do not waive, and expressly reserve, any claims and defenses available to Defendants. In support of the Notice of Removal, Defendants allege as follows:

1. This action is presently pending in the County Court at Law Number Six of El Paso County, Texas, as *Eduardo Holguin v. Ysleta del Sur Pueblo, Tigua Tribal Police Department, Erika Avila, Raul Candelaria, and Officers John and Jane Doe*, Cause No. 2021-DCV-0333 (the

“Lawsuit”). Plaintiff filed the Lawsuit on February 1, 2021, and served Defendants¹ on February 22, 2021.

2. In his Original Petition, Plaintiff generally alleges that Defendants violated 42 U.S.C. § 1983 for actions taken under color of tribal and state law. (*See* Pl.’s Orig. Pet. pp. 6-9). Therefore, the Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1331 because this is a civil action that raises questions arising under the Constitution, laws, or treaties of the United States. For any remaining state law claims, the Court may exercise supplemental or pendent jurisdiction.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district and division.

4. This Notice of Removal is being filed within thirty days after service of the Original Petition to Defendants.

5. Plaintiff did request a jury trial in the state court action.

6. True and correct certified copies of the Docket Sheet, Original Petition, Citations, and documents filed in the Lawsuit are attached hereto and incorporated herein as Exhibit 1.

7. Concurrent with the filing of this Notice of Removal, Defendants have served this notice upon Plaintiff’s counsel and filed a copy of the notice with the Clerk of Court for El Paso County, Texas.

Accordingly, for these reasons, Defendants respectfully request that the Court assume full jurisdiction over this action.

¹Upon information and belief, with the exception of Defendant Ysleta del Sur Pueblo, none of the other Defendants has been served; however, all Defendants consent and join in the removal of the action to this Court.

Respectfully submitted,

SCOTTHULSE^{PC}
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By: /s/ Francisco J. Ortega

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Candelaria, and Officers John and Jane Doe

CERTIFICATE OF SERVICE

I hereby certify that I filed this document electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing on this 15th day of March, 2021:

Adam Setra
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Attorney for Plaintiff

/s/ Francisco J. Ortega
FRANCISCO J. ORTEGA